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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/879,070 06/19/97 JOHNSON J 7709.130US01

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EXAMINER

KALINOWSKI, A

ART UNIT

PAPER NUMBER

2761

DATE MAILED:

08/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/879,070

Applicant(s)
Johnson et al

Examiner
Alexander Kalinowski

Group Art Unit
2761



☒ Responsive to communication(s) filed on Jul 19, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. Claims 1-10 are presented for examination. Claims 1-10 were originally filed on 6/19/97. On 5/20/99, Applicants filed a request for reconsideration of the grounds of rejection established in the prior office action (Paper No. 6). Applicants further amended claims 1-3 and 8-10 by amendment filed on 11/13/99. Applicants further filed a continuing patent application on 7/19/2000 amending claims 1 and 8-10. Therefore, claims 1-10 are presented for examination.

Continued Prosecution Application

2. The request filed on 7/19/2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/879,070 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin Pat. No. 4,992,940, (hereinafter Dworkin) in view of "Sales-force automation comes of age.(includes related articles on how Hewlett-Packard Co. Computer Systems Group

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implemented technology-enabled selling applications)(hereinafter SFA) and Joseph. Pat. No. 5,878,401 (hereinafter Joseph).

a. With respect to claim 1, Dworkin discloses

A computer system implemented method for facilitating a sale of a product from an inventory of a selling entity, the computer system including a memory arrangement and at least one processing unit coupled to the memory arrangement; column 3, lines 48 through 64; the method comprising the steps of:

storing in the memory arrangement product inventory information related to the inventory of the selling entity; column 3, lines 60 through 66 and column 7, lines 54 through 61;

obtaining information regarding a customer's needs related to the selling entity products; column 5, lines 43 through 68; and

Dworkin does not explicitly disclose

storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity; and

interactively selecting one or more product options to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options.

However, SFA discloses an automated system (i.e. GM PROSPEC) to configure products to suit buyers' needs (see abstract and page 1). SFA discloses storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity

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(i.e. online marketing encyclopedia) (page 3, lines 4-6 and lines 18-23). Furthermore, SFA discloses presenting product options to a user of the computer system for selection by the user to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options (i.e. product configurator) (page 3, lines 7-11 and lines 24-29). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity and presenting product options to a user of the computer system for selection by the user to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options as disclosed by SFA within the system disclosed by Dworkin in order to permit salespeople to configure products to suit the buyers' needs in an efficient manner and maximize the salesperson's time with the customer thereby increasing profitability (abstract and page 1, line 43 - page 2, line 4).

Dworkin does not explicitly disclose

identifying from the inventory of the selling entity, using the stored inventory information, one or more available products which exactly corresponds to the configured product when an identified available product that exactly corresponds to the configured product is not found in the stored inventory information, identifying one or more products that most closely correspond to the configured product and that corresponds to the configured product.

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However, Joseph discloses a computer based system for identifying from the inventory of the selling entity, using the stored inventory information, one or more available products which exactly corresponds to the configured product when an identified available product that exactly corresponds to the configured product is not found in the stored inventory information, identifying one or more products that most closely correspond to the configured product and that corresponds to the configured product (i.e. determining the availability of the requested item, determining alternative items for the requested item if the requested item is unavailable and determining alternative items for the requested items that are available)(col. 2, lines 28-43). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the teachings of Joseph within the Dworkin system for the motivation of permitting customers an alternative to out of stock product selections to avoid customer dissatisfaction (col. 1, lines 35-40).

b. With respect to claim 2, Dworkin does not explicitly disclose a method as recited in claim 1, further comprising ranking the selected product options according to a value of the product options to the customer and, using the ranking to identify available and buildable products in inventory corresponding to the configured product.

However, Dworkin does disclose accepting desired specifications from a user in a variety of ways, not all of which are disclosed in the patent. Column 5, lines 55 through 68. The Examiner takes official notice that it was well known in the art at the time to rank the relative

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importance of options or attributes to customers. It would have been obvious to one of ordinary skill in the art at the time of Applicants invention to include ranking the relative importance of options or attributes to customers in the combined Dworkin/SFA/Joseph system, as discussed above in connection with claim 1 in order to rank the relative importance of various options of a custom configured system to him and to identify products meeting the highest ranked requirements.

c. With respect to claim 8, Dworkin discloses

a computer system implemented method for facilitating a sale of a product from an inventory of a selling entity, the computer system including a memory arrangement and at least one processing unit coupled to the memory arrangement; column 3, lines 48 through 64; the method comprising the steps of:

storing in the memory arrangement product inventory information related to the inventory of the selling entity; column 3, lines 60 through 66 and column 7, lines 54 through 61; and

obtaining information regarding a customer's needs related to the selling entity products; column 5, lines 43 through 68.

Dworkin does not explicitly disclose

storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity and

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However, SFA discloses an automated system (i.e. GM PROSPEC) to configure products to suit buyers' needs (see abstract and page 1). SFA discloses storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity (i.e. online marketing encyclopedia) (page 3, lines 4-6 and lines 18-23).

Dworkin and SFA do not explicitly disclose

interactively selecting product options to define a sellable product which satisfies the customer's needs using the stored configuration rules and the stored product inventory information to constrain selection of the product options to product options available in the available inventory of the selling entity.

However, Dworkin discloses identifying from the inventory of the selling entity, using the stored inventory information, one or more available products which most closely correspond to the configured product; see Fig. 7, column 6, lines 11 through 15 and column 7, lines 54 through 61. SFA discloses interactively selecting product options to define a sellable product which satisfies the customer's needs using the stored configuration rules to constrain selection of the product options to product options available (i.e. virtually eliminated the factory reject rate) in the available inventory of the selling entity (page 1, lines 22-40, page 3, lines 7-11 and lines 18-29). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include presenting product options to a user of the computer system for selection by the user to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options to product options in the

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as disclosed by SFA within the Dworkin system in order to permit salespeople to configure products to suit the buyers' needs in an efficient manner (i.e. present custom products that can be built by the seller) and maximize the salesperson's time with the customer thereby increasing profitability (abstract and page 1, line 43 - page 2, line 4).

Dworkin does not explicitly disclose

identifying from the inventory of the selling entity, using the stored inventory information, one or more available products which exactly corresponds to the configured product when an identified available product that exactly corresponds to the configured product is not found in the stored inventory information, identifying one or more products that most closely correspond to the configured product and that corresponds to the configured product.

However, Joseph discloses a computer based system for identifying from the inventory of the selling entity, using the stored inventory information, one or more available products which exactly corresponds to the configured product when an identified available product that exactly corresponds to the configured product is not found in the stored inventory information, identifying one or more products that most closely correspond to the configured product and that corresponds to the configured product (i.e. determining the availability of the requested item, determining alternative items for the requested item if the requested item is unavailable and determining alternative items for the requested items that are available)(col. 2, lines 28-43). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the teachings of Joseph within the Dworkin system for the motivation of permitting

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customers an alternative to out of stock product selections to avoid customer dissatisfaction (col. 1, lines 35-40.

d. With respect to claim 9, Dworkin discloses

a computer system implemented method for facilitating a sale of a product from an inventory of a selling entity, the computer system including a memory arrangement and at least one processing unit coupled to the memory arrangement; column 3, lines 48 through 64; the method comprising the steps of:

storing in the memory arrangement product inventory information related to the inventory of the selling entity; column 3, lines 60 through 66 and column 7, lines 54 through 61;

obtaining information regarding a customer's needs related to the selling entity products; column 5, lines 43 through 68; and

providing an indication to the user of the computer system, based on the stored inventory information, of whether selection of a particular presented product option, if incorporated into the configured product, would preclude obtaining the product from the inventory of the selling entity(i.e. product availability); see Fig. 7, column 6, lines 11 through 15 and column 7, lines 54-61.

Dworkin does not explicitly disclose

storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity; and

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presenting product options to a user of the computer system for selection by the user to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options.

However, SFA discloses an automated system (i.e. GM PROSPEC) to configure products to suit buyers' needs(see abstract and page 1). SFA discloses storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity (i.e. online marketing encyclopedia) (page 3, lines 4-6 and lines 18-23). Furthermore, SFA discloses presenting product options to a user of the computer system for selection by the user to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options (i.e. product configurator) (page 3, lines 7-11 and lines 24-29). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity and presenting product options to a user of the computer system for selection by the user to define a configured product which satisfies the customer's needs using the stored configuration information to constrain selection of the product options as disclosed by SFA within the system disclosed by Dworkin in order to permit salespeople to configure products to suit the buyers' needs in an efficient manner and maximize the salesperson's time with the customer thereby increasing profitability (abstract and page 1, line 43 - page 2, line 4).

Dworkin does not explicitly disclose

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identifying from the inventory of the selling entity, using the stored inventory information, one or more available products which exactly corresponds to the configured product when an identified available product that exactly corresponds to the configured product is not found in the stored inventory information, identifying one or more products that most closely correspond to the configured product and that corresponds to the configured product.

However, Joseph discloses a computer based system for identifying from the inventory of the selling entity, using the stored inventory information, one or more available products which exactly corresponds to the configured product when an identified available product that exactly corresponds to the configured product is not found in the stored inventory information, identifying one or more products that most closely correspond to the configured product and that corresponds to the configured product (i.e. determining the availability of the requested item, determining alternative items for the requested item if the requested item is unavailable and determining alternative items for the requested items that are available)(col. 2, lines 28-43). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the teachings of Joseph within the Dworkin system for the motivation of permitting customers an alternative to out of stock product selections to avoid customer dissatisfaction (col. 1, lines 35-40).

e. With respect to claim 10, Dworkin discloses

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a computer system implemented method for facilitating a sale of a product from an inventory of a selling entity, the computer system including a memory arrangement and at least one processing unit coupled to the memory arrangement; column 3, lines 48 through 64; the method comprising the steps of:

storing in the memory arrangement product inventory information related to the inventory of the selling entity; column 3, lines 60 through 66 and column 7, lines 54 through 61.

Dworkin does not explicitly disclose

storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity; column 5, lines 52 through 62.

However, SFA discloses storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity (i.e. online marketing encyclopedia) (page 3, lines 4-6 and lines 18-23). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include storing in the memory arrangement configuration information related to selling entity products offered for sale by the selling entity as disclosed by SFA within the system disclosed by Dworkin in order to permit salespeople to configure products to suit the buyers' needs in an efficient manner and maximize the salesperson's time with the customer thereby increasing profitability (abstract and page 1, line 43 - page 2, line 4).

Neither Dworkin nor SFA explicitly discloses

obtaining information regarding a customer's intended uses of a product to be purchased;

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assigning a corresponding value to each of the customer's uses depending on an importance of the use to the customer; and

identifying, using the stored inventory information and the obtained information regarding the customer's intended uses and corresponding value, one or more products which are in the available inventory of the selling entity and which most closely satisfy the customer's intended use of the product.

However, Dworkin discloses obtaining information regarding a customer's need in terms of minimum specifications of a product, column 5, lines 43 through 68. The Examiner takes official notice that it was well known in the sales art at the time of Applicant's invention to gather minimum specifications of products by asking questions regarding intended use. in lieu of asking questions regarding technical specifications, particularly in the case of a less sophisticated customer (e.g., asking the customer whether a printer was to be used as a high capacity printer for business purposes or as a low capacity printer for home purposes in lieu of asking whether a laser or ink jet printer was desired).

The Examiner takes official notice that it was well known in the art at the time to assign a value to each factor or feature of a configuration depending on the importance of the factor or feature to the customer. It would have been obvious to one of ordinary skill in the art at the time to assign such a value to each intended use when soliciting requirements in the form of intended uses within the Dworkin system in order to be able to determine the most important requirements of the customer.

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Dworkin discloses using a set of specifications to identify products available in inventory. Column 6, lines 11 through 15. Once the most important specifications or features had been identified as described in the preceding paragraphs, it would have been obvious to one of ordinary skill in the art at the time to use those specifications to identify products available in inventory within the Dworkin method because otherwise gathering the specifications would have been pointless. It would further have been obvious to one of ordinary skill in the art at the time to rank the identified products based on the degree to which each corresponded to the customer's highest ranked intended uses of the product within the Dworkin method because doing so would allow a less technically sophisticated customer to select the most useful product without understanding the relative importance of all of the product configuration options.

Dworkin does not explicitly disclose

identifying from the inventory of the selling entity, using the stored inventory information, one or more available products which exactly corresponds to the configured product when an identified available product that exactly corresponds to the configured product is not found in the stored inventory information, identifying one or more products that most closely correspond to the configured product and that corresponds to the configured product.

However, Joseph discloses a computer based system for identifying from the inventory of the selling entity, using the stored inventory information, one or more available products which exactly corresponds to the configured product when an identified available product that exactly corresponds to the configured product is not found in the stored inventory information,

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identifying one or more products that most closely correspond to the configured product and that corresponds to the configured product (i.e. determining the availability of the requested item, determining alternative items for the requested item if the requested item is unavailable and determining alternative items for the requested items that are available)(col. 2, lines 28-43). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the teachings of Joseph within the Dworkin system for the motivation of permitting customers an alternative to out of stock product selections to avoid customer dissatisfaction (col. 1, lines 35-40).

5. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin and SFA as applied to claim 1 above, and further in view of Lynch et al, Pat. No. 5,708,798 (hereinafter Lynch).

a. With respect to claim 3, Dworkin and SFA do not explicitly disclose a method as recited in claim 1, wherein the stored configuration information comprises a plurality of configuration rules which define relationships between two or more product options.

However, Lynch discloses a computer based system that configures computer systems (see abstract). Lynch discloses configuring the system based on constraint rules that identify relationships between product options (col. 10, lines 11-27). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a method as recited in claim

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1, wherein the stored configuration information comprises a plurality of configuration rules which define relationships between two of more product options within the Dworkin/SFA combination in order ease the burden of configuring complex customized systems (col. 1, lines 25-28).

b. With respect to claim 4, Dworkin and SFA do not explicitly disclose a method as recited in claim 3, wherein the configuration rules comprises a plurality of logic rules.

However, Lynch discloses a method as recited in claim 3, wherein the configuration rules comprises a plurality of logic rules (col. 10, lines 11-27). Combining Dworkin/SFA with Lynch would yield a product that would allow customers both to construct custom products, as in SFA and Lynch, and to search for products matching or almost matching their specifications, with a view to finding an attractive price on a product available in inventory, as in Dworkin. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a method as recited in claim 3, wherein the configuration rules comprises a plurality of logic rules within the Dworkin/SFA combination in order ease the burden of configuring complex customized systems (col. 1, lines 25-28).

c. With respect to claim 5, Dworkin and SFA do not explicitly disclose A method as recited in claim 3, wherein the configuration rules comprise constraint rules which define engineering relationships between product options.

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However, Lynch discloses a method as recited in claim 3, wherein the configuration rules comprise constraint rules which define engineering relationships between product options (col. 10, lines 11-27). Combining Dworkin/SFA with Lynch would yield a product that would allow customers both to construct custom products, as in SFA and Lynch, and to search for products matching or almost matching their specifications, with a view to finding an attractive price on a product available in inventory, as in Dworkin. It would have been obvious to one of ordinary skill a method as recited in claim 3, wherein the configuration rules comprise constraint rules which define engineering relationships between product options in the art at the time of Applicant's invention to include within the Dworkin/SFA combination in order ease the burden of configuring complex customized systems (col. 1, lines 25-28).

d. With respect to claim 6, Dworkin and SFA do not explicitly disclose a method as recited in claim 3, wherein the configuration rules comprise resource rules which define relationships between product options in terms of resources used and resources required.

However, Lynch discloses a method as recited in claim 3, wherein the configuration rules comprise resource rules which define relationships between product options in terms of resources used and resources required (col. 10, lines 11-27). Combining Dworkin/SFA with Lynch would yield a product that would allow customers both to construct custom products, as in SFA and Lynch, and to search for products matching or almost matching their specifications, with a view

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to finding an attractive price on a product available in inventory, as in Dworkin. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a method as recited in claim 3, wherein the configuration rules comprise resource rules which define relationships between product options in terms of resources used and resources required within the Dworkin/SFA combination in order ease the burden of configuring complex customized systems (col. 1, lines 25-28).

e. With respect to claim 7, Dworkin and SFA do not explicitly disclose a method as recited in claim 3, wherein the configuration rules comprise cross-reference rules which define relationships between similar product options .

However, Lynch discloses a method as recited in claim 3, wherein the configuration rules comprise cross-reference rules which define relationships between similar product options (col. 10, lines 11-27 and col. 13, lines 33-57). Combining Dworkin/SFA with Lynch would yield a product that would allow customers both to construct custom products, as in SFA and Lynch, and to search for products matching or almost matching their specifications, with a view to finding an attractive price on a product available in inventory, as in Dworkin. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a method as recited in claim 3, wherein the configuration rules comprise cross-reference rules which define relationships between similar product options within the Dworkin/SFA combination in order ease the burden of configuring complex customized systems (col. 1, lines 25-28).

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

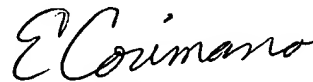
a. Pat. No. 5,844,554 discloses an computer based system for generating a product configuration.

b. "Hvac manufacturers" discloses sales automation software that enables a sales force to determine whether a company can make a particular item to a customer's satisfaction.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 8:30 AM to 6:00 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Emanuel Todd Voeltz, can be reached on (703) 305-9714. The fax telephone number for this group is (703) 305-0040.

Alexander Kalinowski 


EDWARD R. COSIMANO
PRIMARY EXAMINER

8/11/00